

**Congress of the United States**  
**Washington, DC 20515**

September 27, 2011

The Honorable Janet Napolitano  
Secretary  
United States Department of Homeland Security  
Washington, DC 20528

The Honorable Eric H. Holder, Jr.  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Secretary Napolitano and Attorney General Holder:

We applaud the August 18, 2011 announcement that the Department of Homeland Security (DHS) plans to close many low-priority immigration deportation proceedings. We especially commend DHS for stating that it will consider the family ties of lesbian, gay, bisexual, and transgender (LGBT) people as a factor in determining cases that merit relief from deportation, including for gay and lesbian foreign nationals who are the spouses and partners of U.S. citizens and permanent residents. We write to you today with two requests that will further the enforcement of this important mandate.

The August 18 announcement made clear that the identification of high-priority deportation cases would be based on the June 17, 2011 prosecutorial discretion memorandum released by the Director of Immigration and Customs Enforcement, John Morton, and explained that a DHS and Department of Justice (DOJ) interagency working group would be created to review removal cases and prepare guidance for the field. Director Morton's memorandum identifies "Factors to Consider When Exercising Prosecutorial Discretion." These factors include "the person's ties and contributions to the community, including family relationships" and "whether the person has a U.S. citizen or permanent resident spouse, child, or parent." The memorandum does not, however, explicitly say that LGBT family ties, including those of spouses and partners of U.S. citizens and permanent residents, are to be included among the family relationships that weigh in favor of an exercise of discretion.

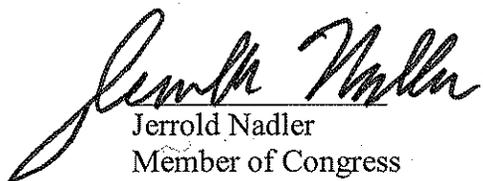
We ask that consideration of LGBT family ties be communicated in the guidance being prepared by the new DHS/DOJ working group. All field staff implementing the new policies in all relevant DHS and DOJ agencies must be made aware of this new consideration as they exercise discretion in deciding which new cases to place in removal proceedings and which current cases to close. Without specific guidance, it is unlikely that agency officers, agents, and attorneys making decisions about individual cases will be aware that LGBT family ties are a factor for consideration for exercising discretion in closing or not initiating removal proceedings.

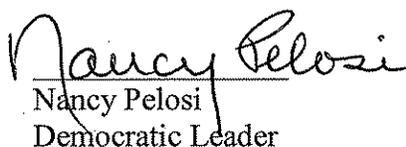
Additionally, we ask that the working group include a member experienced in working with LGBT immigrants and their families to ensure that these factors are recognized and understood in the working group's case-by-case review of all individuals currently in removal proceedings as well as its review of new cases placed in removal proceedings. The vulnerability of LGBT immigrants – the historical stigmatization of whom both within and outside the U.S. is well-documented – makes knowledgeable review a necessity.

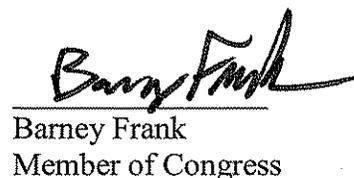
The announcement on August 18 constitutes a major step forward in ensuring that immigration enforcement resources prioritize enhancing border security, national security, and public safety as well as in exercising discretion when warranted. The recognition of LGBT family ties as a positive factor is a critical step forward in identifying key family and community ties to implement common-sense immigration enforcement. We ask that you ensure that this recognition is reflected in the work of DHS and DOJ employees and the newly-established working group in implementing your priorities for immigration enforcement.

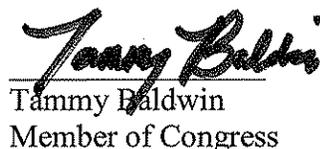
We appreciate your consideration of these two requests and look forward to working with you to address these important issues.

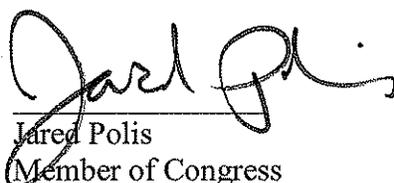
Sincerely,

  
Jerrold Nadler  
Member of Congress

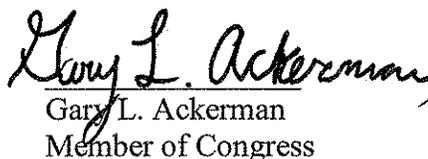
  
Nancy Pelosi  
Democratic Leader

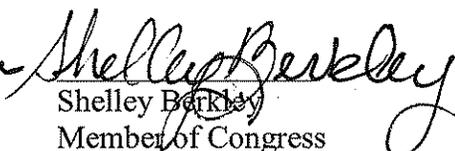
  
Barney Frank  
Member of Congress

  
Tammy Baldwin  
Member of Congress

  
Jared Polis  
Member of Congress

  
David Cicilline  
Member of Congress

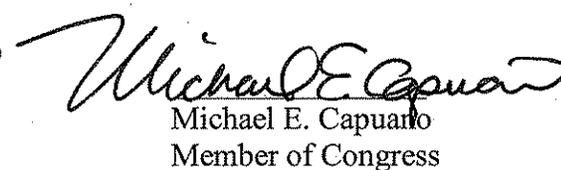
  
Gary L. Ackerman  
Member of Congress

  
Shelley Berkley  
Member of Congress

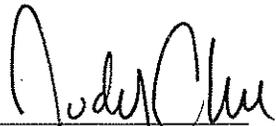
  
Howard L. Berman  
Member of Congress

  
Earl Blumenauer  
Member of Congress

  
Lois Capps  
Member of Congress

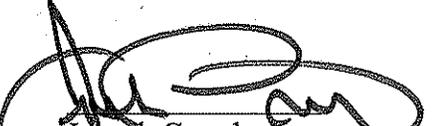
  
Michael E. Caputo  
Member of Congress

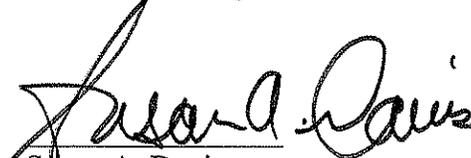
  
Andre Carson  
Member of Congress

  
Judy Chu  
Member of Congress

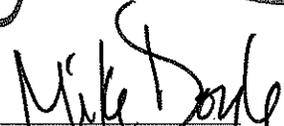
  
Gvette D. Clarke  
Member of Congress

  
Joe Courtney  
Member of Congress

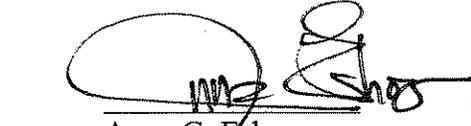
  
Joseph Crowley  
Member of Congress

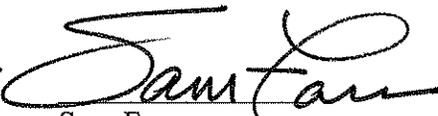
  
Susan A. Davis  
Member of Congress

  
Diana DeGette  
Member of Congress

  
Michael F. Doyle  
Member of Congress

  
Eliot L. Engel  
Member of Congress

  
Anna G. Eshoo  
Member of Congress

  
Sam Farr  
Member of Congress

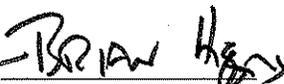
  
Bob Filner  
Member of Congress

  
John Garamendi  
Member of Congress

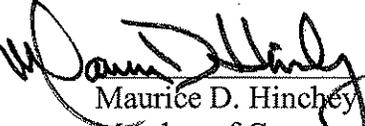
  
Raul M. Grijalva  
Member of Congress

  
Luis V. Gutierrez  
Member of Congress

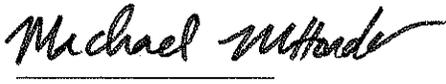
  
Alcee L. Hastings  
Member of Congress

  
Brian Higgins  
Member of Congress

  
James A. Himes  
Member of Congress

  
Maurice D. Hinchey  
Member of Congress

  
Rush D. Holt  
Member of Congress

  
Michael M. Honda  
Member of Congress

  
Steve Israel  
Member of Congress

  
Jesse L. Jackson, Jr.  
Member of Congress

  
Hank Johnson  
Member of Congress

*Rick Larsen*

Rick Larsen  
Member of Congress

*John B. Larson*

John B. Larson  
Member of Congress

*Barbara Lee*

Barbara Lee  
Member of Congress

*Sander M. Levin*

Sander M. Levin  
Member of Congress

*John Lewis*

John Lewis  
Member of Congress

*Joe Lofgren*

Joe Lofgren  
Member of Congress

*Carolyn B. Maloney*

Carolyn B. Maloney  
Member of Congress

*Doris O. Matsui*

Doris O. Matsui  
Member of Congress

*Jim McDermott*

Jim McDermott  
Member of Congress

*James P. McGovern*

James P. McGovern  
Member of Congress

*Gwen Moore*

Gwen Moore  
Member of Congress

*James P. Moran*

James P. Moran  
Member of Congress

*Eleanor Holmes Norton*

Eleanor Holmes Norton  
Member of Congress

*John W. Olver*

John W. Olver  
Member of Congress

*Gary C. Peters*

Gary C. Peters  
Member of Congress

*Chellie Pingree*

Chellie Pingree  
Member of Congress

*Mike Quigley*

Mike Quigley  
Member of Congress

*Charles B. Rangel*

Charles B. Rangel  
Member of Congress

*Steven R. Rothman*

Steven R. Rothman  
Member of Congress

*Lucille Roybal-Allard*

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Member of Congress

*Jan D. Schakowsky*

Jan D. Schakowsky  
Member of Congress

*Adam B. Schiff*

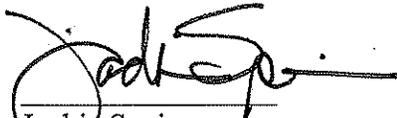
Adam B. Schiff  
Member of Congress

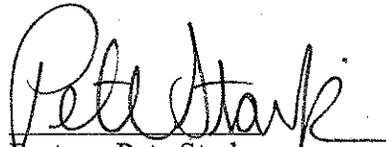
*Jose E. Serrano*

Jose E. Serrano  
Member of Congress

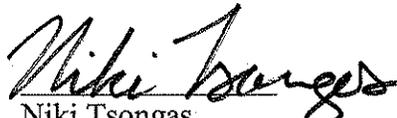
*Adam Smith*

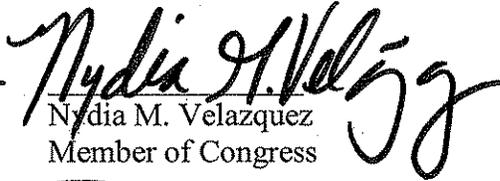
Adam Smith  
Member of Congress

  
Jackie Speier  
Member of Congress

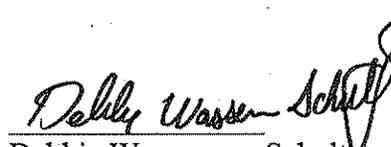
  
Fortney Pete Stark  
Member of Congress

  
Edolphus Towns  
Member of Congress

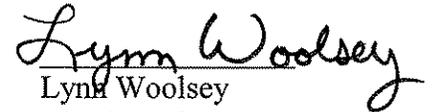
  
Niki Tsongas  
Member of Congress

  
Nydia M. Velazquez  
Member of Congress

  
Henry Waxman  
Member of Congress

  
Debbie Wasserman Schultz  
Member of Congress

  
Peter Welch  
Member of Congress

  
Lynn Woolsey  
Member of Congress